UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,755	06/30/2003	Michael F. Ludwig	BO1-0055US	5039

60483 7590 03/28/2007		**EXAMINER**
LEE & HAYES, PLLC		PYO, MONICA M
421 W. RIVERSIDE AVE.		
SUITE 500	**ART UNIT**	**PAPER NUMBER**
SPOKANE, WA 99201	2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/611,755	LUDWIG ET AL.
	Examiner	Art Unit	
	Monica M. Pyo	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 January 2007</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4-16,18,19 and 21-57</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,4-16,18,19 and 21-57</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by. the Examiner.

10) ☒ The drawing(s) filed on <u>30 June 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/19/2007 has been entered.

2.   Claims 1, 16, 28 and 43 are independent claims. In the Amendment filed 1/19/2007,

claims 1, 18 and 43 are amended. Claims 1-2, 4-16, 18-19 and 21-57 are rejected.

Specification

4.   The specification amendment received on 1/19/2007. The changes are acknowledged and

therefore, the specification objections made in a prior Office Action are withdrawn.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-2, 4-16, 18-19 and 21-57 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. 6,701,514 issued to Haswell et al. (hereinafter Haswell) in view of U.S.

Patent No. 7,174,339 issued to Wucherer et al. (hereinafter Wucherer).

Regarding Claims 1, 28 and 43, Haswell and Wucherer disclose a computer-implemented

method for generating a test plan document for governing adherence with project specifications,

the method comprising:

A).   **a verification matrix database containing the project specifications to a test**

plan, as a database with test criteria and it's relationship to the test scenarios storing components

(Haswell: col. 15, lns. 18-27; fig. 6);

B).   **transferring the project specifications from a verification matrix database to**

a test plan database, as a communication between ReTA Component Test Workbook Plan-Prep

and a database storing components (Haswell: col. 14, lns. 37-46; col. 73, lns. 19-36 and 52-62;

figs. 2 and 4);

C).   **storing in a test plan database a plurality of verification activities for**

monitoring adherence with project specifications, as preparing test plan to meet user

requirements (Haswell: col. 59, lns. 35-48; col. 73, lns. 52-56);

D).   **entering references to the project specifications into the test plan database,** as

reviewing user requirements (col. 59, lns. 49-63; col. 73, lns. 20-22);

E).   **providing access to the test plan database to a plurality of users,** as test

administrators or developers get involved in testing (Haswell: col. 52, lns. 62-col. 53, lns. 6; col.

73, lns. 56-61);

F).   **updating the test plan database based on input from the plurality of users,** as

an example of updating the approved changes (Haswell: col. 48, lns. 60-col. 49, lns. 5; col. 73,

lns. 20-29; col. 74, lns. 16-35); and

G).   **generating a test plan document by extracting at least one of the verification**

activities stored from the test plan database and listing at least one of the verification

activities in the test plan document, as a development and a creation of test scripts/test

scenarios and a system validation by following the test plan (Haswell: col. 14, lns. 47-49 and 54-

58; col. 53, lns. 1-5; col. 59, lns. 50-64; col. 73, lns. 1-8).

However, Wucherer discloses:

A).   **connecting a database containing the project specifications to a database,** as

the central database being connected to an interface database and begin updated with any

changes (Wucherer: col. 8, lns. 13-21, 33-47);

It would have been obvious to a person with ordinary skill in the art at the time of

invention to modify the teachings of Haswell with the teaching of Wucherer to enhance the

accuracy of creating a test scenario with most updated criteria information with the motivation to

include the system to allow communication between the various computer systems (Wucherer:

col. 1, lns. 37-56; col. 2, lns. 61-67).

Regarding Claims 2, 29 and 44, Haswell and Wucherer disclose the method wherein the

test plan database is maintained by a database manager program (Haswell: col. 49, lns. 58-67).

Regarding Claims 4, 31 and 46, Haswell and Wucherer disclose the method further

comprising associating the verification activities with at least one of the project specifications

(Haswell: col. 72, lns. 1-25; col. 73, lns. 1-22).

Regarding Claims 5, 18, 32 and 47, Haswell and Wucherer disclose the method wherein

access to at least one secured verification activity is provided to a secured user (Haswell: col. 64,

lns. 25-31; col. 73, lns. 20-28; col. 93, lns. 60-67; col. 94, lns. 1-9).

Regarding Claims 6, 19, 33 and 48, Haswell and Wucherer disclose the method wherein

an administrator assigns the access of the secured user to the at least one secured verification

activity (Haswell: col. 64; lns. 25-31; col. 177, lns. 41-51; col. 78, lns. 29-38, 64-67).

Regarding Claims 7, 34 and 49, Haswell and Wucherer disclose the method further

comprising providing a user-selectable attribute assignable to the verification activities (Haswell:

col. 37, lns. 43-65; col. 73, lns. 20-28).

Regarding Claims 8, 35 and 50, Haswell and Wucherer disclose the method further

comprising providing a predetermined range of values for the user-selectable attribute (Haswell:

col. 38, lns. 10-59).

Regarding Claims 9, 21, 36 and 51, Haswell and Wucherer disclose the method wherein

the verification activities are accessible by specifying a desired value of the user-selectable

attribute (Haswell: col. 37, lns. 43-65; col. 73, lns. 20-28).

Regarding Claims 10, 22, 37 and 52, Haswell and Wucherer disclose all the limitation of

Claim 7, *supra*. Additionally, Haswell and Wucherer disclose: wherein the verification activities

are sortable by the user-selectable attribute (Haswell: col. 43, lns. 58-col. 44, lns. 10).

Regarding Claims 11, 23, 38 and 53, Haswell and Wucherer disclose the method wherein

the user-selectable attribute is a verification activity category (Haswell: col. 37, lns. 43-65).

Regarding Claims 12, 24, 39 and 54, Haswell and Wucherer disclose the method wherein

the input from the plurality of users includes one of changed text, revised text, removed text,

inserted non-text media, revised non-text media, and removed non-text media (Haswell: col. 16,

lns. 26-49; col. 50, lns. 33-43; fig. 9).

Regarding Claims 13, 25, 40 and 55, Haswell and Wucherer disclose the method wherein

the verification activities include at least one of verification activity identifier, a responsible

party, a measurement desired, a measurement standard, a date for initiation, a date for

conclusion, and a verification activity description (Haswell: col. 53, lns. 7-26; col. 55, lns. 1-9).

Regarding Claims 14, 26, 41 and 56, Haswell and Wucherer disclose the method further

comprising extracting subset test plans describing less than all of the verification activities

(Haswell: col. 14, lns. 63-67; col. 15, lns. 1-27 – Haswell discloses the test scenarios which

contain a plurality of test components).

Regarding Claims 15, 27, 42 and 57, Haswell and Wucherer disclose the method further

comprising communicating the verification activities to a test tracking database (Haswell: col.

51, lns. 9-13, 24-31; col. 52, lns. 60-67; col. 53, lns. 1-6).

Regarding Claim 16, Haswell discloses a computer-implemented method for generating a

test plan document for governing adherence with project specifications, the method comprising:

A). **a verification matrix database to a test plan database,** as a relationship

between a database including test criteria and a test scenarios (Haswell: col. 15, lns. 18-27; fig.

6);

B). **transferring the project specifications from the verification matrix database**

to the test plan database, as a communication between ReTA Component Test Workbook Plan-

Prep and a database storing components (Haswell: col. 14, lns. 37-46; col. 73, lns. 19-36 and 52-

62; figs. 2 and 4);

C). **storing in a test plan database a plurality of verification activities for**

monitoring adherence with project specifications, as preparing test plan to meet user

requirements (Haswell: col. 59, lns. 35-48; col. 73, lns. 52-56);

D). **entering references to the project specifications into the test plan database,** as

reviewing user requirements (Haswell: col. 59, lns. 49-63; col. 73, lns. 20-22);

E). **associating each of the verification activities with at least one of the project**

specifications, as the test plan is created based on user requirements and make changes

accordingly (Haswell: col. 72, lns. 1-25; col. 73, lns. 1-22);

F). **providing access to the test plan database to a plurality of users,** as test

administrators or developers get involved in testing (Haswell: col. 52, lns. 62-col. 53, lns. 6; col.

73, lns. 56-61);

G). **providing a user-selectable attribute assignable to the verification activities,**

as user selecting user interface objects (Haswell: col. 37, lns. 43-65; col. 73, lns. 20-28);

H). **providing a predetermined range of values for the user-selectable attribute,**

as a user selecting user interface objects (Haswell: col. 38, lns. 10-59)

I). **receiving input from at least one of the plurality of users, the input being**

associated with at least one of the verification activities, as test administrators or developers

get involved in testing the test plan (Haswell: col. 50, lns. 33-43; col. 52, lns. 62-col. 63, lns. 6);

J). **updating the test plan database based on the input,** as an example of updating

the approved changes (Haswell: col. 48, lns. 60-col. 49, lns. 5; col. 73, lns. 20-29; col. 74, lns.

16-35); **and**

K). **generating a test plan document by extracting at least one of the verification**

activities stored from the test plan database and inserting at least one of the verification

activities in the test plan document, as a development and a creation of test scripts/test

scenarios and a system validation by following the test plan (Haswell: col. 14, lns. 47-49 and 54-

58; col. 53, lns. 1-5; col. 59, lns. 50-64; col. 73, lns. 1-8).

However, Wucherer discloses:

A). **coupling a database to a database,** as being connected to an interface database

and begin updated with any changes (Wucherer: col. 8, lns. 13-21, 33-47);

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Haswell with the teaching of Wucherer to enhance the accuracy of creating a test scenario with most updated criteria information with the motivation to include the system to allow communication between the various computer systems (Wucherer: col. 1, lns. 37-56; col. 2, lns. 61-67).

Regarding Claims 30 and 45, Haswell and Wucherer disclose the computer-readable medium wherein the project specifications are entered in to the test plan database by coupling a verification matrix database to the test plan database (Haswell: col. 172, lns. 65-67; col. 173, lns. 1-17).

Response to Arguments

7.   Applicant's arguments with respect to claims 1-2, 4-16, 18-19 and 21-57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon-Fri 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
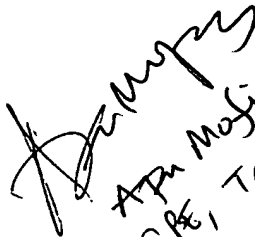
9.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        Monica M Pyo
                                        Examiner
                                        Art Unit 2161

mpyo
3/19/2007

Leslie Wong
Primary Examiner